IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

THE HON'BLE MR JUSTICE V.ESWARAIAH

AND

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21157 of 2003

Between:

1 Dr. D. Ravi Choudary, S/o Dr. Venkaiah Choudary,
Occ: Medical Practitoner, R/O 32-7-4, Chandra Savitri

Street, Praja Sakti Nagar, Vijayawada, Krishna District.

2 K. Dheeraj, S/o Dr. K. Prashanth Kumar,
being a minor represented by his father and natural

guardian, R/o 19-15-48, Kaleswararao Road, Suryaraopet,

Vijayawada.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, represented, by its

Principal Secretary, Health, Medical and Family Welfare

Department, Secretariat, Hyderabad.
2 Vice Chancellor, N.T.R. University of Health Sciences,

Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus by declaring action of the respondents in setting apart 3% of the available seats under the caption of Self Financing Seats/College Development Seats in Government Medical Colleges in G.O.Ms.No.487, H.M.& F.W. (E1) Department, dt.05-09-2003 as arbitrary, illegal, violative of Article 14 of the Constitution of India and contrary to the rules of reservation and violative of the provisions of Presidential Order, 1974 and consequentially direct the respondents to allot seats to the other categories in Government Medical Colleges, Private Medical Colleges and Dental Colleges by taking the available seats.

This petition coming up for admission on 06.01.2004 before the Hon'ble Mr. Justice N.V. Ramana, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N. Siva Reddy, Advocate for the petitioners, the Court made the following Order:

"It is represented by the learned counsel for the petitioners that connected matters are pending before the Full Bench. Hence list this W.P along with W.P No. 20515 of 2003 and Batch after obtaining the necessary direction from the Hon'ble C.J."

In pursuance of the aforementioned Court Order dated 06.01.2004, the matter has been placed before the Full Bench. This petition coming up for hearing, upon perusing the petition, the affidavit filed in support therein, the order dated 06.01.2004 and made herein and upon hearing the arguments of Mr. N. Siva Reddy, Advocate for the petitioners, of the Advocate General for the respondent No. 1 and of Smt. Y. Padmavathi, Standing Counsel for the N.T.R University, for the respondent No. 2:

The Court made the following Order: (per Sri B. Sudershan Reddy, J)

The petitioners in the instant writ petition pray for issuance of a writ of Mandamus declaring the action of the respondents in setting apart 3% of the available seats under the caption of 'Self Financing Seats/College Development Seats' in the Government Medical Colleges as arbitrary and violative of Article 14 of the Constitution of India.

It is brought to our notice that since the Rules have been amended and under the new regime, there is no such quota under the caption of 'Self Financing Seats/College Development Seats'. In such view of the matter, no cause as such survives in this writ petition requiring adjudication. The Writ Petition shall accordingly stand dismissed. No order as to costs.

(B. Sudershan Reddy, J)

(V. Eswaraiah, J)

(K.C. Bhanu, J)

06..10..2004

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To

1 Principal Secretary, Health, Medical and Family Welfare

Department, Government of Andhra Pradesh, Secretariat,

Hyderabad.
2 Vice Chancellor, N.T.R. University of Health Sciences,

Vijayawada, Krishna District.

3 Two CCs to the Advocate General, High Court of A.P.,

High Court Buildings, Hyderabad (OUT).

4 Two CD copies.

5 One CC to precedent file, C.O Section and C.Ms Section.